IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Bail Appl..No. 4666 of 2007()

CRIME NO.502 OF 2007 OF KASARAGOD POLICE STATION

: PETITIONER/ACCUSED

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1. BEFATHIMMA @ BEEBI, AGED 50 YEARS,
   W/O MOHAMMEDKUNHI, RESIDING AT CHEMMAD,
   KASARAGOD.

2. FASEELA.K., AGED 8 YEARS,
   D/O MOHAMMEDKUNHI, RESIDING AT CHEMMAD,
   KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY INSPECTOR OF
POLICE, KASARAGOD POLICE STATION. REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4666 of 2007

Dated this the 2nd day of August, 2007

ORDER

Application for anticipatory bail. The petitioners are the mother-in-law and sister-in-law of the husband of the defacto complainant. Crime has been registered on the basis of a complaint filed before the learned Magistrate and referred by the Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The 2nd petitioner is a child aged about 8 years. The learned Public Prosecutor straight away submits that the 2nd petitioner has already been deleted from the array of accused. The crime had to be registered as it was a reference under Section 156(3) Cr.P.C and the 2nd petitioner already has been deleted from the array of parties. The claim of the 2nd petitioner can therefore be dismissed straight away.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that anticipatory bail can be granted to the 1st petitioner subject to appropriate conditions.

4. In the result, the Bail Application is, allowed. The claim of the 2nd petitioner is this dismissed as unnecessary. The following

directions are issued in favour of the 1st petitioner under Section 438 Cr.P.C.

i) The 1st petitioner shall appear before the learned Magistrate at 11 a.m on 10.08.2007. She shall be enlarged on regular bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The 1st petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on 11.08.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the 1st petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if those directions were not issued at all;

iv) If the 1st petitioner were arrested prior to her surrender on 10.08.07 as directed in clause (1) above, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.08.07.

(R.BASANT, JUDGE)

rtr/-